FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Cri.Application No.116 of 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr D.B.Patil, for the applicant.
Mr A.S.Shitole, APP for the respndent.

CORAM: D.B.BHOSALE,J.
DATED: 20.07.2006

P.C.:

Heard Mr Patil, learned counsel for the applicant and Mr Shitole, learned APP for the respondent.

In this application, the applicant has made the following prayers:

"(a) A delay occurred between July 2004 to 5th June, 2006 be condoned; and

(b) A conditional order dated 22.4.2004 passed by the Court together with office note endorsed thereon whereby the criminal revision no.227 of 2002 which stood dismissed for nonprosecution be recalled and the criminal revision application be restored at its stage; and

(c) And office be directed to allow the applicants to remove the office objections; and

(d) to pass any other appropriate order as this Hon'ble Court deem fit, proper and suitable."

It appears that criminal revision no.227 of 2002 stood dismissed for nonremoval of the office objections in pursuance of the order dated 22.4.2004. The present application was, however, filed on 5.5.2006. In the revision, the applicant had challenged the order of the Sessions Court by which the complainant's revision was allowed and the order dismissing the complaint under section 203 of Cr.P.C was set aside and the learned Magistrate was directed to proceed with trial in accordance with law. It is not clear whether after dismissal of the revision in April, 2004, the trial proceeded or not. Moreover, the cause shown in the application is not sufficient to condone the delay of more than two years. In the circumstances, this application is rejected.

(D.B.BHOSALE,J.)